

## PURSUIT INTERNAL INVESTIGATION

### BACKGROUND:

On July 11, 1997 at about 0326 hours Officer David Cimperman driving car 723 for the city of New Philadelphia's police department observed a motorcycle on Wabash Ave. The cyclist had his visor up not providing eye protection. The cycle went left of center after the officer turned around and the cyclist looked at him. The cycle then ran the stop sign at Wabash and North Broadway and the officer attempted to get the license number. Officer Cimperman was unable to get the license plate and accelerated to over 60 miles per hour to catch up with the cycle. The cycle was observed to go left of center several times. Officer Cimperman turned his overhead red and blue lights on and went after the cycle. At about Lakeview Officer Cimperman turned his audible siren and the pursuit began. The pursuit lasts thirteen minutes and covers approximately 15.8 miles. Officer Cimperman did an excellent job in providing his location and the route taken by the cyclist.

### INVESTIGATION:

In Officer Cimperman's statement he states that speeds exceeded 70 miles per hour and then would slow to 45-50 miles per hour. Officer Cimperman states that he closed to within several car lengths during this time and was still unable to see the license plate. Officer Cimperman states that he heard Dover Captain Kirkbride tell him to be careful of a turn on the road and observed some hard turns in the roadway. Officer Cimperman states that he slowed down when speeds seemed to him to be too fast and the motorcycle slowed also for no apparent reason and allowed the cruiser to get within 100 feet of the cycle then it would accelerate again. This happened several times and Officer Cimperman felt it was like a cat and mouse game for the cyclist. At another point the cycle apparently shut its lights off as Officer Cimperman describes it as a shadow. Near this point Officer Cimperman says he was close to calling the pursuit off and saw the lights come back on near Miller Hill Road. The cycle was less than 100 feet in front of the cruiser and he began the chase again. After turning onto St. Rt. 39 the cycle slowed as it entered Sherrodsville and it appeared to Officer Cimperman that the cycle turned onto a side road and as he approached the area the roadway ended and he applied his brakes but crashed into a footbridge and rolled onto its top. The cycle apparently crossed the bridge and was gone.

Officer Cimperman found himself upside down with the roof of the cruiser crushed down on the back of the seats. He attempted to break his way out with his ASP (metal expanding club) and when he found he could not he used his duty weapon to fire one shot through the window and exited the vehicle. He tried several times to summon assistance using his radio and was able to make contact on North Fire band. As soon as Captain Kipp arrived he advised him of what had occurred and told him about the shot that was fired. He then turned his weapon over to Captain Kipp and was transported to Union Hospital for injuries.

In Captain Kipp's statement he describes he heard the pursuit begin and headed towards St. Rt. 39 in case the vehicles went that way. He stayed near Penn Station listening to the pursuit and attempting to determine where Officer Cimperman was. Captain Kipp had Carroll county contacted. He advised Officer Cimperman to get the registration and terminate the pursuit.

During the pursuit he also requested the speeds of the vehicles but did not get a response.

In Officer Skinner's statement he verifies the location of himself and Captain Kopp. He feels that Officer Cimperman is not getting enough information and requests further information several times. Each time Officer Skinner asks a question it is responded to in an affirmative response of either where he is at or what is occurring at that time.

A statement was obtained by Dispatcher Bonnie Sprout. She puts in her statement that just prior to the accident that Officer Cimperman was still unable to get the registration. This is verified by the recorded radio traffic.

The radio traffic was tape recorded and the tape was transcribed by Captain Urban and listened to by Officer Cimperman who verified its contents. The pursuit route was driven by Captain Urban and then by Captain Urban, Officer Cimperman and Officer Goodwin to verify the route.

The radio traffic is very close to the statements that were taken.

A copy of the accident report is contained here as well as the statements and photographs as these items pertain to the pursuit itself. Other information about the perpetrator is not attached.

### **POLICY INVOLVED:**

The New Philadelphia Police Department has a pursuit policy that covers the actions taken in the vehicle pursuit of July 11, 1997. The policy is clear that any motor vehicle pursuit that exposes officers, members of the public or the suspect to unnecessary risk will be inconsistent with the purpose of this policy and shall be terminated. Any pursuit is justified when the need for apprehension outweighs the level of danger created by the pursuit.

There are six criteria that are to be taken into account in any pursuit.

1. What is the possibility of apprehension? In this case the cruiser was unable to catch the perpetrator even when the perpetrator slowed and allowed the cruiser to catch up. Officer Cimperman is very aware of this and calls it Cat and mouse in his statement. Captain Kopp is listening to the radio traffic and should be aware of this as Officer Cimperman states several times that he is close but just can't get the registration. At one point within fifty feet.
2. Does the seriousness of the offense necessitate a pursuit at excessive speeds? Officer Cimperman is aware that the pursuit began with a left of center and stop sign violation. Captain Kopp who is listening to the pursuit hears officer Cimperman states the reason as left of center and stop signs.
3. What type of locality is the pursuit occurring in? In this case we are talking rural roads at 3:30 AM. This appears to be ideal conditions as there appears to have no traffic and little danger of pedestrians. The roadways traveled however do appear to be driveways at times and are very narrow some stone covered.
4. What is the time of day? The pursuit took place at 3:30 AM with clear weather. There was considerable fog in Sherrodsville later in the morning but Officer Cimperman states it had not begun until after the accident.
5. What is the condition of the chase vehicle? In this case the vehicle is a new 1997 Ford Crown Victoria and is in excellent condition.
6. Will the pursuit involve one or more chase vehicles? In this case although there were other vehicles in the area none were involved in the pursuit directly other than Officer Cimperman.

The policy is clear that the department is expected to pursue and arrest violators, within the limits of safety.

All pursuits are dangerous and the unnecessary risk that the policy speaks of is a risk beyond that an average officer would encounter in a pursuit. The policy also states that the need for apprehension is justified only when the need for apprehension clearly outweighs the degree of risk created.

In this case the risk to the cruiser and the risk to the cycle rider is great for a left of center and stop sign violation.

The policy also states that the supervisor shall immediately determine methods of identifying the fleeing vehicle and tactics to stop it and coordinate the units involved.

In addition the supervisor or the primary pursuit officer shall not hesitate to order the pursuit stopped if pursuit conditions warrant such.

### **POLICY PROBLEMS:**

In this pursuit the cyclist clearly looks at the officer prior to the pursuit. The cyclist clearly slows and allows the officer to catch up, not once but several times. This should have told the officer that there was a possible set up in progress and the pursuit terminated. This should have also told the officer involved that he could not catch the cycle unless the cycle wanted to be caught and the pursuit terminated. **The ability to apprehend was not there.** The roads that were driven were passable at times at best and the concern for the cyclist should have been on the mind of Officer Cimperman. He should have also been aware that he had been within fifty feet of the cycle and could not get the registration and this occurred more than once. The only logical end to this pursuit would be that the cycle stopped, which did not appear likely or that it crashed. With the policy mandating the safety of the cyclist as well, the pursuit should have ended. The license plate was not able to be seen. The order was clear to Officer Cimperman from Captain Kopp that he was to get the registration and stop the pursuit. When it became apparent that was not able to be accomplished the pursuit should have been terminated as per his orders.

Pursuits often give the officer involved tunnel vision. They have many things to accomplish from driving, to maintaining radio traffic, to watching for the license plate and stopping to think about terminating the pursuit may be difficult but the policy requires it.

The order given to Officer Cimperman was "You do the best you can to get a registration and drop it." This tells the officer to pursue and get the registration. During the 13 minute pursuit Captain Kopp asks three questions. **Are you close enough for a registration? Left or right?** (Referring to a turn onto Reeds Run Road) **What kind of speed do you have too?** (Which was not answered. From 0331 when the order is given until the accident at 0339 Captain Kopp asks one unanswered question. (What kind of speed do you have too?) The policy is clear that the supervisor has responsibility as well as the officer in a pursuit. The supervisor is to determine methods of identifying the vehicle, tactics to stop it and coordination of all the units involved. With the limited information here that would be extremely difficult. Questions as to what is going on is left to Officer Skinner who merely asks "talk to us Dave".

It should have also been apparent that in order to get the registration the cruiser going at a high rate of speed would have to get closer than 50 feet to get the registration. That would be an

unacceptable risk. Captain Kopp was stationary during most of the pursuit listening. He was not involved to get the tunnel vision that the officer would have and could evaluate the radio traffic and make decisions. The pursuit should have been terminated at the point the officer was lost and did not know where he was( I should start dropping bread crumbs here), when the violations that the vehicle committed are known(left of center) or when the officer states (I'm within 50 feet of him right now and I just can't get the 7).

It is an easy thing to look at a record at a later date and criticize the efforts of officers under the conditions that they were under. In this case however, there are obvious areas where either the officer should have terminated the pursuit or the supervisor should have terminated the pursuit. If we add the common knowledge that Captain Kopp would have had about Officer Cimperman's problems in driving it becomes clearer.

### **STANDARDS OF CONDUCT:**

In Standard number 6 committing unsafe acts or endangering self or others it is clear that the standard applies if a policy or rule is not followed. Also it requires you to behave in a manner in which any typical member could reasonably be expected to perform. There have been many pursuits in New Philadelphia and none have ended with the destruction of the cruiser or with the officer so close and unable to get a registration. This standard also covers failing to drive defensively and unsafe or improper handling of equipment which carries a reasonable risk of endangering persons or property. In this case the cruiser, the cyclist, the footbridge and the officer.

In Standard number 1 affirmatively promoting a positive public image, it appears that the policy was not followed and the controversial conduct is certainly bringing about public criticism and has caused the staff and supervisory personnel to spend a lot of time investigating.

In Standard 17 Knowing and observing the policies of the department it appears that the pursuit policy was not followed which ended in the injury of the officer, the destruction of the cruiser and public criticism.

### **CONCLUSION:**

Pursuits are possibly one of the most dangerous aspects of a policeman function. One can always find problems when we armchair what was done and when. When there are violations of policy they should be tempered with the culpability of the officer. In this case serious errors were made with severe consequences. It does not appear that any intentional act was committed by the officers.

This does not include any discussion in regards to the discharge of Officer Cimperman's weapon to extricate himself from the cruiser after the accident.

This report submitted by Captain Jeff Urban.  
New Philadelphia Police Department.

4. When it can be determined that the alarm drop was accidental or that a holdup occurred, but that the suspects are gone, then our dispatcher will instruct the officers to enter the bank parking lot.
5. A Bank employee will then exit the bank to contact the officers (Employees will carry a 12" square white card to confirm that everything is alright).

Optional - Bank discretion - White card to indicate no problem.

Red card to indicate something is wrong.

#### PURSUIT POLICY

Pursuit: Involves one or more New Philadelphia Police units attempting to apprehend a suspect in a motor vehicle when the operator of said motor vehicle is attempting to avoid apprehension by means of high speed driving and or evasive maneuvers.

Purpose: The primary purpose of this policy is to establish guidelines for use by New Philadelphia Police Officers in the pursuit and apprehension of fleeing suspects.

The City of New Philadelphia and it's Police Department's primary responsibility is the protection of life and property. Any motor vehicle pursuit that exposes officers, members of the public, or the suspect, to unnecessary risk; that pursuit will be inconsistent with the purpose of this policy and shall be terminated.

Any pursuit is justified only when the need for apprehension outweighs the level of danger created by the pursuit.

The following criteria need to be taken into consideration before engaging in a pursuit.

1. What is the possibility of apprehending the subject fleeing?

2. Does the seriousness of the offense necessitate a pursuit at excessive speeds?
3. What type of locality is the pursuit occurring in? Is it in a residential street, business district, state highway, or county road?
4. What is the time of day, what type of traffic and weather conditions are in effect at the time of the pursuit?
5. What is the condition of the chase vehicle?
6. Will the pursuit involve one or more chase vehicles?

Members of the New Philadelphia Police Department are expected to pursue and arrest violators of laws within the limits of safety.

The following State Laws must be adhered to while engaged in a pursuit.

1. 45411.03 Emergency or public safety vehicles to proceed cautiously through any red or stop signal.
2. 4511.24 Emergency vehicles excepted from speed limitations.
3. 4511.45 Right-of-Way of Public Safety vehicles.
4. 4513.21 Sirens, horns, and warning devices.

These laws place the following requirements upon the operators of public safety vehicles:

- A. The operator must drive with due regard for the safety of all persons using the streets and highways.
- B. A public safety vehicle only gains the right-of-way when both the pursuit lights and siren are used together.

The following shall be deemed the regulations of the New Philadelphia Police Department with regards to emergency responses and pursuits.

1. The number of vehicles engaged in the pursuit shall be determined by the shift supervisor or senior officer.
2. Only marked police vehicles will be used in an emergency response or pursuit.

3. The officer initiating a pursuit shall immediately notify the dispatcher in plain language of the following:
  - A. Location
  - B. Direction of travel
  - C. Description of the vehicle and occupants
  - D. Reason for the pursuit
  - E. Intentions of the pursuing officer
4. The dispatcher shall immediately notify all nearby departments of a pursuit in progress as well as the shift supervisor.
5. The supervisor shall immediately determine methods of identifying the fleeing vehicle, and the tactics to stop the violator, plus coordination of all units involved in the pursuit.
6. The supervisor or the primary pursuit officer shall not hesitate to order the pursuit stopped if pursuit conditions warrant such.

#### Tactics and Use of Force to Stop Violators

Any pursuit at high speed can be considered extremely dangerous, and pursuit is only justified when the need for apprehension clearly outweighs the degree of risk created by a pursuit.

1. Can the suspect be identified and apprehended at a later time?
2. Use a spotlight to illuminate rear window and interior of the vehicle. This will help to get the attention of the operator and to identify the occupants.
3. Use of roadblocks to stop violators.
  - A. A moving roadblock will not be utilized by members of this department to stop a violator.
  - B. Stationary roadblocks may be utilized, but only with the authorization of the Supervisor in Charge. All stationary roadblocks shall be designed in such a way as to leave an area or open path through which a vehicle may proceed slowly.

RAMMING

Ramming of the fleeing vehicle by police units or forcing the fleeing vehicle into parked motor vehicles, or other obstacles shall not be considered except in such circumstances where in the judgement of the supervisor such actions are deemed necessary to protect the public.

USE OF FIREARMS

Department policy in the use of deadly force shall be strictly adhered to. No officer shall fire a weapon from or at a moving vehicle except as the ultimate measure of self-defense or for the defense of another, when the suspect is using deadly force by means other than the vehicle itself.

WHAT DEPARTMENT IS IN CHARGE WHEN MULTIPLE DEPARTMENTS ARE INVOLVED

The department originating the pursuit should notify other nearby officers of the reason for the pursuit, the route of the pursuit, speed, etc. The originating department should remain in charge unless entering a substantially different jurisdiction. In these instances, the pursuit should be turned over to the department with authority and which is in position to follow through with the pursuit.

The department originating the pursuit should remain in control and be responsible for the outcome until turned over to another department. Other departments should not join the pursuit or take action without a request from the originating agency, and should maintain a back-up position.

Pursuits originating in the City of New Philadelphia and entering other jurisdictions shall be governed by the above.



Any New Philadelphia Police Unit engaged in pursuit outside of his jurisdiction shall cease pursuit upon orders from the agency having jurisdiction, or from his shift supervisor.

MISCELLANEOUS PROVISIONS:

1. Only marked police vehicles shall engage in pursuits. Un-marked police vehicles shall be relegated to a back-up status.
2. New Philadelphia Police Officers will not engage in pursuits while Civilian passengers are in their police vehicles. This includes those passengers that have signed waivers of liability to ride as observers.
3. Pursuits that involve going the wrong way on one-way streets are strongly discouraged and will be ordered ceased except in those instances where, in the judgement of the pursuing officer or supervisor, such actions are necessary to protect the safety of the public.
4. A synopsis of the pursuit, including the reasons for use of force shall be forwarded to the Chief of Police by the pursuing officers at the end of their shift of work.

OFF DUTY DETAIL POLICY

1. The Chief of Police will designate a member of the police department to arrange off duty details and keep records of those details and post those details in such a manner that each officer has the opportunity to sign up for work.
2. The payment for those details and the manner in which they are allocated will be by majority vote of the members of the police department.
3. All officers working an extra detail will be in uniform. The Chief of Police or his designate in his absence will decide whether any change in the uniform of the day will be allowed.
4. The Officer in Charge at any off duty detail will be the officer of highest rank or the officer with the most seniority.

## 06 COMMITTING UNSAFE ACTS OR ENDANGERING SELF OR OTHERS

Members shall not unlawfully commit acts or behave in such a manner that has the potential for endangering or injuring themselves, property or another person.

### Business necessity for this standard

Safe behavior in public service work is paramount because of the level of public trust and the nature of the equipment involved—firearms, motor vehicles, impact tools and chemicals. Unsafe behavior and unsafe use and handling of equipment significantly increases the risk of injuries to citizens and personnel, plus it increases the risk of potential liability for this organization.

### Enforcement guidelines

- termination if serious injury or extensive property damage occurs
- progressive discipline up to and including termination for other conditions

### Examples of non-violations

Life-threatening situations where the probable consequences or actual consequences (as judged by a reasonable and prudent member) of committing the unsafe act are less dangerous than the actual or probable consequences of failing to perform, given the nature of the emergency situation.

Equipment malfunctions when such malfunction is beyond the control of the member.

An act where risks occur because the member has not received training comparable to that of others.

Assigning a member to a task or duty for which he or she has received reasonable training or assigning equipment to use that is considered adequate under a reasonable standards rule is not a violation of this standard.

## STANDARD 06—EXAMPLES OF VIOLATIONS

All behaviors regulated or prohibited by specific guidelines, policies, procedures and practices.

Failure to behave in ways in which any typical member could reasonably be expected to perform regardless of specific official training orientation or employment status.

Horseplay—using equipment improperly or performing pranks that create the possibility of injury.

Allowing untrained or inexperienced persons, members or civilians to use regulated equipment or weapons that injure or have the reasonable expectation of injuring another person.

Handling, aiming, firing, unloading or loading a weapon contrary to established policies or procedures. This includes accidental discharges of firearms.

Leaving a weapon unsecured or improperly stored. ✓

Failing to drive defensively, resulting in a chargeable motor vehicle accident or nearly chargeable motor vehicle accident.

The unauthorized and unnecessary divulging of information, communications or correspondence that identifies or suggests the identification of an informant, undercover member or any other investigative official of this organization.

Failing to report damaged or dysfunctional equipment that has the probability of endangering self or others.

Unsafe and/or improper handling of equipment that carries a reasonable risk of endangering persons or property.

Being on patrol, dispatch or backup and failing to keep aware of events and circumstances ongoing during the shift that have a reasonable expectation of causing a safety concern for others or self.

Being assigned to assist as a backup and habitually failing to be able to provide support or assistance is substantial evidence that the member is violating this standard.

## 01 AFFIRMATIVELY PROMOTING A POSITIVE PUBLIC IMAGE

Members shall conduct themselves on duty and off duty in a way that does not damage or have the probable expectations (in the mind of a reasonable and prudent member) of damaging the organization's public image, integrity or reputation or bringing it into discredit or disrepute.

### Business necessity for this standard

Members shall accept full responsibility for their behaviors and the results of their behaviors on duty as well as off duty. Behavior that may not be considered wrong in private employment could be wrong in the public sector because of the nature of the public service mission—to create a feeling of safety and security.

Historically, citizens are quick to criticize and require that public servants be right as well as look right in their conduct and behavior. Management recognizes its responsibility to balance rules designed to promote public trust while at the same time to avoid unnecessary infringements on the member's rights to privacy. Likewise, members who wish to hold the honor of public office and enjoy the privileges of public trust share an affirmative responsibility to conduct themselves (on duty as well as off duty) in a manner that does not bring public image or trust into question. The member's right to privacy does not create an obligation on management to finance those rights at the expense of effective, efficient or safe operations of this public service organization.

**Enforcement guidelines**—These and subsequent guidelines are for your information only and are not controlling. See complete policy in Chapter 5.

- termination if public image is severely damaged
- progressive discipline up to and including termination for other situations

### Examples of non-violations

Non-criminal, off-duty conduct or behavior that has no impact or probable impact on the effectiveness or efficiency of this organization. Conduct off duty outside the community and its adjacent borders when the member is not identified with this organization may be an exception if the conduct is not discovered by the general public or does not become a matter of public record.

On-duty conduct or work behavior that is questioned by a citizen and—through a formal administrative response—honestly explained and justified by the business necessity of the situation existing at the time.

## STANDARD 01—EXAMPLES OF VIOLATIONS

Controversial conduct or behavior displayed on or off duty that brings about public criticism and causes administrative staff or supervisory personnel to spend an atypical amount of time and management cost to investigate or respond to the criticism.

The failure to present proper grooming, uniform or dress appearance while on duty or representing this organization.

Failing to speak courteously to members of the public or treat them courteously; for example, members failing to give badge numbers when requested to do so, not letting violators ask questions about points of law or about the nature of the offense they are charged with by cutting them off before they have demonstrated their intent to be uncooperative.

Failing to keep equipment exposed to public view clean and in proper order.

Loud and crude language in front of the public when such language has a direct and detrimental impact on public image.

Consistent complaints from the member's neighbors concerning the member's behavior as it relates to violations of law.

Failing to identify self, badge, and identification card and number to any member of the public. (NOTE: This does not include failing to identify self if working undercover or when the member's safety would be endangered.)

Smoking or chewing while engaging with members of the general public, particularly while conducting interviews and investigations or when directing traffic.

Failing to keep financial debts and obligations from becoming a matter of management concern.

Members who take criticisms to the general public—without using the organization's internal grievance process and being unable to provide substantial evidence that such actions were in the public's best interest—when such actions cause the organization to suffer the public's loss of faith.

Causing a scene in a restaurant when half off on meals is not given. (NOTE: This may also be a conflict of interest, see STANDARD 07.)

Failing or refusing to wear a seat belt properly.

Failing to give the dispatcher a location, particularly on a traffic stop or encounter with a suspicious person, when practicable and prudent to do so.

Failing to provide known information or withholding information that results in another member's being injured or subject to an unnecessary safety risk.

Leaving security doors open or ajar, defeating the locking mechanism.

Purposefully making self unavailable for service or taking self out of service. This includes not answering a radio when called, unplugging the telephone to avoid taking a call, logging out of service when substantial evidence indicates that another member or person needs assistance.

Continuing a chase for a minor violation once a license number and driver identification is known and substantial evidence exists to indicate the person can be apprehended later on with less public endangerment.

## **17 KNOWING, OBSERVING AND OBEYING ALL DIRECTIVES, RULES, POLICIES, PROCEDURES**

Members shall make an affirmative, consistent effort to observe and comply with the directives, rules, policies, procedures, practices and traditions established for the effective, efficient and safe operations of this organization. This standard applies to policies, procedures and practices that are written as well as those established by past patterns or practices.

Affirmative effort as the term is used here means to self-initiate acceptable ways to comply. In other words, look for ways to comply with the standard and do not look for the exceptions to the standard.

### **Business necessity for this standard**

Policies, procedures and practices are management's tools to achieve overall official efficiency and effectiveness in day-to-day operations and decision making. They are designed to communicate management's intent and to help management focus its resources.

### **Enforcement guidelines**

- termination if the results of such deviations cause injury to another or severe damage to property
- progressive discipline up to and including termination for all other conditions

### **Examples of non-violations**

Management allows for defensible deviations from policies, procedures and practices if the member writes justifiable reasons for such deviations. This means that the member provides factual information and data that show such deviations were truly necessary and justified by the uniqueness of the event and the necessity for increased effectiveness, efficiency or safe operating procedures. In all cases, it will be the member's responsibility to provide management with written and satisfactory documentation to support justification for such deviations and to establish that the deviations made an overall greater contribution to the organization's mission than did current policies, procedures, practices or directives.

Members who by virtue of their inexperience could not reasonably be expected to know the directives associated with the performance. This includes probationary members or those in totally new job assignments.

## STANDARD 17—EXAMPLES OF VIOLATIONS

NOTE: No attempt is made here to list all policies, procedures and practices with which a member is expected to comply. The member is directed to refer to appropriate files for this information.

Failing to care for or protect the rights of all prisoners, whether such prisoners are in the member's custody or when it is known or should be known that such rights are not being observed by others.

Establishing a pattern of deviation from directives that is significantly different from the compliance rates of other members.

Habitually challenging policies, procedures or practices without providing objective and documented facts (in written form) to support justification for such deviation.

Failing to self-initiate knowledge and understanding of information in operational manuals, files and agency directives. Being the member who consistently gives the excuse, "I did not know it or see it," when no such problem exists for other members.



**DAVID CIMPERMAN**  
**DISCIPLINARY INFORMATION**

1. Action taken for not appearing in court.  
Verbal reprimand after 2nd or 3rd failure to appear.  
Counseling session after 4th failure to appear  
Information turned over to chief for disciplinary action. Written reprimand given.
2. Action taken for another failure to appear in court.  
Letter to chief for disciplinary action. One day suspension given.
3. Action taken for multiple incidents of carelessness. Written information provided by Captain Kopp. Letter dated April 15, 1996.  
Verbal reprimand on handling evidence and important information. 4/18/96.
4. Speeding in the cruiser, citizen complaint and information by Officer Williamson.  
Verbal reprimand for following the laws in the cruiser. 4/19/96.
5. Housing a female in our male only facility. Complaint by Chief. Written information provided by Larry Tate, Janitor and Christen Stevenson, clerk.  
Counseling session held on following jail policy, not housing females, and civil and criminal problems that could occur. 5/9/96.
6. Carelessness with a loaded shotgun. 5/23/96 Written complaint from Captain Calderon, Ray Nelson and Dan Risinger.  
Due to prior reprimand, letter sent to chief for disciplinary action. 6/5/96  
Written reprimand given by 01.
7. Complaint from management at Speedway reference harassment of personnel. Written information provided by Ray Nelson. 6/24/96. Captain Urban investigates and speaks to management and confirms basic information.  
Verbal reprimand to cease and stay out of Speedway unless on official business while working and to be weary of problems if he is going in off duty.

Note: Counseling session information on failure to appear in court was all turned over to the chief for his action.

Captain Jeff Urban

# Phila police officer singled out because cruiser was damaged

To the Editor:

10/3/97

My office represents the Fraternal Order of Police Lodge No. 4 (New Philadelphia Division). I have been asked to address and respond to much of the commentary that recently has been published and reported concerning Officer David Cimperman.

On July 11, Officer Cimperman was involved in the pursuit of a motorcyclist who had committed several serious traffic violations. The cyclist made every effort to avoid apprehension and disregarded all of Officer Cimperman's signals to stop. The pursuit resulted in Officer Cimperman's vehicle colliding with a footbridge in Sherrodsville. Although he suffered only minor injuries, his vehicle was very seriously damaged.

The driver of this motorcycle has been indicted by the Tuscarawas County grand jury as a result of his reckless efforts to flee Officer Cimperman on July 11. The driver is being charged with a felony count, thus confirming the seriousness of the situation that existed that night.

After reading the accounts of this pursuit and the subsequent disciplinary action that was taken against him, one would almost conclude that Officer Cimperman was the offender and the motorcyclist was an innocent victim. In our opinion, had Officer Cimperman's vehicle not been damaged, no disciplinary action would have been taken by the city. Officer Cimperman is being punished because he did his job and did it well.

It was obvious from reports that appeared in The Times-Reporter that Mayor Greg Erb was very upset with this incident. It appears that the mayor's frustration was grounded more in the loss of a city vehicle rather than the pursuit itself. Although Mayor Erb initially insisted on terminating Officer Cimperman's employment, he relented and agreed to a 10-day suspension. Even this discipline, however, is far too severe and inappropriate.

Officer Cimperman was directed to attend a disciplinary hearing after this incident. Prior to the hearing, he requested a copy of the radio traffic logs for July 11 as well as the several written reports of the incident that had been prepared by other participating officers and captains. The city refused to provide Officer Cimperman or the FOP with any of this doc-

umentation prior to the hearing. He did not fully know what other officers or witnesses had officially said about the events of July 11. Had he been given this opportunity, he could have presented a much more effective defense against the charges that were leveled against him.

Several points were made to the city at Officer Cimperman's disciplinary hearing that were not previously noted in the public discussion of this incident. The captain who was on duty that evening was stationary; that is, he was not actively involved in the pursuit. However, he was in radio contact with Officer Cimperman and was given repeated, excellent reports by him during the course of the pursuit. At no time did the captain direct Officer Cimperman to terminate the pursuit. Significantly, the captain freely admitted to the city that in his 17 years on the force, he has never asked an officer to terminate any pursuit, nor was he aware of any other captain terminating a pursuit.

Officer Cimperman was able to show that he was treated very differently than other New Philadelphia traffic officers involved in pursuits. Officer Cimperman provided evidence of at least four or five other pursuits, some involving chases to Canton and Beach City at speeds of over 100 mph. Several of these chases resulted in property damage to homes and yards. Not one of the many officers involved in these pursuits was ever disciplined or criticized for doing his job. Interestingly, none of these pursuits involved damage to police vehicles.

Officer Cimperman received a 10-day suspension as a result of this incident. But he also has been denied the opportunity to work off-duty details, opportunities that are available to all other members of the police force. And his driving has been restricted by the city. This obviously is punishment above and beyond the 10-day suspension.

Conversely, the captain on duty that night has received only a letter of reprimand. This is indeed curious, since the captain knew of the pursuit, was actively involved in communicating with Officer Cimperman during the course of the pursuit and never directed or suggested to Officer Cimperman that he should terminate the pursuit. In fact, this captain told Officer Cimperman that he should make

his best effort to identify the license plate of the motorcycle he was pursuing. This disparity in discipline surely should be viewed with suspicion and skepticism.

In our opinion, these circumstances point to one conclusion. Although the public and Officer Cimperman are being told that the punishment here was for deviating from department policies regarding pursuits, the reason apparently underlying this discipline was the fact that a city vehicle had been seriously damaged. Officer Cimperman is the first and only traffic officer to crash a cruiser. Since other officers involved in high-speed pursuits have never been disciplined or reprimanded, it can only be this vehicle damage that generated punishment for Officer Cimperman. This is a sad commentary.

Officer Cimperman was hired to protect the citizens of New Philadelphia. He was doing precisely that on July 11. His pursuit did not place in jeopardy any third persons or create an unreasonable risk of harm to himself. The pursuit was not made in heavy traffic. It occurred in the early morning hours on rural roads that were dry and unobstructed.

He was in constant communication with his captain and was never told or directed to cease the pursuit. The accident that occurred with his vehicle was just that — an accident. It was unanticipated and did not result from any negligence on Officer Cimperman's part.

To be sure, a city vehicle was seriously damaged. However, the pursuit by Officer Cimperman resulted in a suspect being apprehended and hopefully prevented from driving the streets of New Philadelphia in a reckless manner in the future. Who can say that Officer Cimperman did not actually protect the lives of New Philadelphia residents by doing what he did that evening? A damaged city vehicle is a small price to pay for taking a dangerous motorcyclist off the street.

The citizens of New Philadelphia should be very disappointed when their mayor and chief of police decide to punish police officers in circumstances such as these.

**Ronald G. Macala,  
Green, Haines, Sgambati,  
Murphy and Macala Co.,  
Attorneys at law,  
Canton**

Mayor Gregory E. Erb  
166 East High Avenue  
New Philadelphia, OH 44663  
(330) 364-4491 • (330) 343-2489 FAX

August 4, 1997

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# PRESS RELEASE

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FOR IMMEDIATE RELEASE:

**New Philadelphia Mayor Greg Erb today released the internal investigation concerning Traffic Officer David Cimperman's involvement in a high speed pursuit and subsequent damage to a police cruiser on July 11, 1997.**

FORMAL STATEMENT BY THE MAYOR

"Chief of Police, Thomas Staggars, held a disciplinary hearing on July 29, 1997, concerning the high speed pursuit involving Traffic Officer David Cimperman. As a result, T.O. Cimperman was found to have violated the department's pursuit policy and three policies of the department's Standards of Conduct. For these violations, the patrolman was suspended without pay for a period of ten (10) work days with the understanding that any future serious violations of departmental policies will result in termination."

"Captain Larry Kopp, the officer in charge during the pursuit, was also found in violation of the pursuit policy and was issued a letter of reprimand. The Officer in Charge maintains the ultimate authority in pursuits and, in this instance, the Captain had several opportunities to stop it. The letter of reprimand includes the stipulation that further violations could result in demotion in rank or suspension."

"The ultimate responsibility over discipline and policy rests with me. While I am outraged at the senseless loss of the cruiser, I am grateful no one was severely injured in the incident. In formulating the disciplinary action against the traffic officer and the Captain, I had to weigh several conflicting legal and financial issues. The City's labor attorney advised me increased penalties would needlessly cost the taxpayers thousands of dollars in inevitable legal and arbitration fees. He felt strongly that termination of the officer would not be upheld in this case."

"While I am not satisfied with the penalties imposed, I am not prepared to waste additional tax dollars on a losing cause. What I am prepared to do is to direct a review of the policies and the formal training of those policies to prevent a similar situation from occurring in the future. While there was an apparent breakdown in the system, this should not be considered an indictment of the entire police department or its policies."

"I am releasing the entire internal investigation report because I believe the taxpayer has a right to know. I wish to extend the City's apology to Mayor Smalley for the damage to village property and placing the citizens of Sherrodsville at risk. While there will certainly be some who disagree with this decision, I am confident it is in the best interest of the City."

Mayor Gregory E. Erb

1312 - PRESENT

L. Kopp

B. Tschall

D. Cimperman

T. Stagers

M. Goodwin

R. Callahan

## Disp. HEARING - NOTES

Policies - Officers admitted they had received Policy & reviewed periodically

Cimperman gave brief description of actions including when asked by Chief to highest speed in pursuit 115 mph.

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- W. the Pursuit to Kopp -

Officer Cuper - not within Policy - 10 day  
suspension starting 8/3 - 8/14/97

Any further Violations will result in immediate  
proceeding against Cuper

Removal in Park for 10 days.

Chief Flynn

July 16, 1997

To Whom It May Concern:


RE: A high speed pursuit which ended in the destruction of a police vehicle

I awakened startled as a motorcycle sped by my residence on Seven Mile Drive, I could hear a siren just behind. I lay listening as the chase continued, in my mind I could follow their route as the sounds echoed through our valley. I wondered, 'Why is this happening?' It seemed to me that nothing good could possibly come out of these late night circumstances. Someone could certainly be killed, or worse yet damaged for life. An animal might dart out, an innocent driver might find themselves suddenly approached by this speed and within a split second all directions of life could become permanently altered. How could someone on a motorcycle possibly stop when being pursued by a vehicle that is breathing down their neck with little or no assured clear distance?

'Why was this happening?' Finally silence. I returned to sleep trying to understand what is happening within our society, our community, that we thinking beings are operating at such level of disregard.

When light came I again found myself asking the same question, then wondering 'What happened?' and 'Why?'

I later learned that life had been spared and that the loss was only material. I am grateful that we have been given another chance to regain our wits and an opportunity to use this momentary interruption as a call to Stop and Think. This is our community. We need to realize how far reaching our actions can be. We have the chance to pull together and collectively assess 'What is important'.

  
7-18-97 Chit Styr



July 29, 1997

To: T.O. David Cimperman

From: Chief Thomas R. Stagers

Ref: Disciplinary Hearing

Tuesday, July 29, 1997 at 1:00P.M. A disciplinary hearing was conducted on your behalf to allow you to respond to the charges of not following the departmental pursuit policy while engaged in a pursuit on July 11, 1997 that resulted in a traffic accident and damage to a police cruiser. This was also a violation of several of the Standards of Conduct for the police department.

Namely: Standard 1- affirmative promoting a positive public image  
Standard 6- committing unsafe acts or endangering self or others  
Standard 17- knowing and observing policies of the department

Present on your behalf at the hearing was Capt. Rich Calderon and T.O. Mike Goodwin, who are the Union Representation in this matter.

Questions were asked of you about the pursuit and your actions while engaged in the pursuit and you provided responses by you. Based upon the investigation and the results of the hearing, it is clear that the policy was not followed and that there were obvious occasions where you should have terminated the pursuit.

Based upon these factors, I am suspending you from duty for a period of ten (10) working days and serving Notice that any future serious violations of departmental policy or the Standards of Conduct will result in termination proceedings.

The suspension will commence and be in effect August 3,4,5,6,9,10,11,12,13,14 and you will be expected to return to duty on your next scheduled day after the 14<sup>th</sup>.

Sincerely,

Chief Thomas R. Stagers  
New Philadelphia Police

Cc: Mayor  
Safety Director  
Union Rep: Calderon, Goodwin  
File



# Phila police officer singled out because cruiser was damaged

To the Editor:

10/3/97  
My office represents the Fraternal Order of Police Lodge No. 4 (New Philadelphia Division). I have been asked to address and respond to much of the commentary that recently has been published and reported concerning Officer David Cimperman.

On July 11, Officer Cimperman was involved in the pursuit of a motorcyclist who had committed several serious traffic violations. The cyclist made every effort to avoid apprehension and disregarded all of Officer Cimperman's signals to stop. The pursuit resulted in Officer Cimperman's vehicle colliding with a footbridge in Sherrodsville. Although he suffered only minor injuries, his vehicle was very seriously damaged.

The driver of this motorcycle has been indicted by the Tuscarawas County grand jury as a result of his reckless efforts to flee Officer Cimperman on July 11. The driver is being charged with a felony count, thus confirming the seriousness of the situation that existed that night.

After reading the accounts of this pursuit and the subsequent disciplinary action that was taken against him, one would almost conclude that Officer Cimperman was the offender and the motorcyclist was an innocent victim. In our opinion, had Officer Cimperman's vehicle not been damaged, no disciplinary action would have been taken by the city. Officer Cimperman is being punished because he did his job and did it well.

It was obvious from reports that appeared in The Times-Reporter that Mayor Greg Erb was very upset with this incident. It appears that the mayor's frustration was grounded more in the loss of a city vehicle rather than the pursuit itself. Although Mayor Erb initially insisted on terminating Officer Cimperman's employment, he relented and agreed to a 10-day suspension. Even this discipline, however, is far too severe and inappropriate.

Officer Cimperman was directed to attend a disciplinary hearing after this incident. Prior to the hearing, he requested a copy of the radio traffic logs for July 11 as well as the several written reports of the incident that had been prepared by other participating officers and captains. The city refused to provide Officer Cimperman or the FOP with any of this doc-

umentation prior to the hearing. He did not fully know what other officers or witnesses had officially said about the events of July 11. Had he been given this opportunity, he could have presented a much more effective defense against the charges that were leveled against him.

Several points were made to the city at Officer Cimperman's disciplinary hearing that were not previously noted in the public discussion of this incident. The captain who was on duty that evening was stationary; that is, he was not actively involved in the pursuit. However, he was in radio contact with Officer Cimperman and was given repeated, excellent reports by him during the course of the pursuit. At no time did the captain direct Officer Cimperman to terminate the pursuit. Significantly, the captain freely admitted to the city that in his 17 years on the force, he has never asked an officer to terminate any pursuit, nor was he aware of any other captain terminating a pursuit.

Officer Cimperman was able to show that he was treated very differently than other New Philadelphia traffic officers involved in pursuits. Officer Cimperman provided evidence of at least four or five other pursuits, some involving chases to Canton and Beach City at speeds of over 100 mph. Several of these chases resulted in property damage to homes and yards. Not one of the many officers involved in these pursuits was ever disciplined or criticized for doing his job. Interestingly, none of these pursuits involved damage to police vehicles.

Officer Cimperman received a 10-day suspension as a result of this incident. But he also has been denied the opportunity to work off-duty details, opportunities that are available to all other members of the police force. And his driving has been restricted by the city. This obviously is punishment above and beyond the 10-day suspension.

Conversely, the captain on duty that night has received only a letter of reprimand. This is indeed curious, since the captain knew of the pursuit, was actively involved in communicating with Officer Cimperman during the course of the pursuit and never directed or suggested to Officer Cimperman that he should terminate the pursuit. In fact, this captain told Officer Cimperman that he should make

his best effort to identify the license plate of the motorcycle he was pursuing. This disparity in discipline surely should be viewed with suspicion and skepticism.

In our opinion, these circumstances point to one conclusion. Although the public and Officer Cimperman are being told that the punishment here was for deviating from department policies regarding pursuits, the reason apparently underlying this discipline was the fact that a city vehicle had been seriously damaged. Officer Cimperman is the first and only traffic officer to crash a cruiser. Since other officers involved in high-speed pursuits have never been disciplined or reprimanded, it can only be this vehicle damage that generated punishment for Officer Cimperman. This is a sad commentary.

Officer Cimperman was hired to protect the citizens of New Philadelphia. He was doing precisely that on July 11. His pursuit did not place in jeopardy any third persons or create an unreasonable risk of harm to himself. The pursuit was not made in heavy traffic. It occurred in the early morning hours on rural roads that were dry and unobstructed.

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To be sure, a city vehicle was seriously damaged. However, the pursuit by Officer Cimperman resulted in a suspect being apprehended and hopefully prevented from driving the streets of New Philadelphia in a reckless manner in the future. Who can say that Officer Cimperman did not actually protect the lives of New Philadelphia residents by doing what he did that evening? A damaged city vehicle is a small price to pay for taking a dangerous motorcyclist off the street.

The citizens of New Philadelphia should be very disappointed when their mayor and chief of police decide to punish police officers in circumstances such as these.

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"Captain Larry Kopp, the officer in charge during the pursuit, was also found in violation of the pursuit policy and was issued a letter of reprimand. The Officer in Charge maintains the ultimate authority in pursuits and, in this instance, the Captain had several opportunities to stop it. The letter of reprimand includes the stipulation that further violations could result in demotion in rank or suspension."

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Capt. admitted he should have stopped pursuit as high speed - Walter against Kopp -

Officer Carpenter - not within Policy - 10 day  
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Any further Violations will result in immediate  
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Chief Flynn

July 16, 1997

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RE: A high speed pursuit which ended in the destruction of a police vehicle

I awakened startled as a motorcycle sped by my residence on Seven Mile Drive, I could hear a siren just behind. I lay listening as the chase continued, in my mind I could follow their route as the sounds echoed through our valley. I wondered, 'Why is this happening?' It seemed to me that nothing good could possibly come out of these late night circumstances. Someone could certainly be killed, or worse yet damaged for life. An animal might dart out, an innocent driver might find themselves suddenly approached by this speed and within a split second all directions of life could become permanently altered. How could someone on a motorcycle possibly stop when being pursued by a vehicle that is breathing down their neck with little or no assured clear distance?

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7-18-97 Chris Styr



July 29, 1997

To: T.O. David Cimperman

From: Chief Thomas R. Staggars

Ref: Disciplinary Hearing

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Namely: Standard 1- affirmative promoting a positive public image  
Standard 6- committing unsafe acts or endangering self or others  
Standard 17- knowing and observing policies of the department

Present on your behalf at the hearing was Capt. Rich Calderon and T.O. Mike Goodwin, who are the Union Representation in this matter.

Questions were asked of you about the pursuit and your actions while engaged in the pursuit and you provided responses by you. Based upon the investigation and the results of the hearing, it is clear that the policy was not followed and that there were obvious occasions where you should have terminated the pursuit.

Based upon these factors, I am suspending you from duty for a period of ten (10) working days and serving Notice that any future serious violations of departmental policy or the Standards of Conduct will result in termination proceedings.

The suspension will commence and be in effect August 3,4,5,6,9,10,11,12,13,14 and you will be expected to return to duty on your next scheduled day after the 14<sup>th</sup>.

Sincerely,

Chief Thomas R. Staggars  
New Philadelphia Police

Cc: Mayor  
Safety Director  
Union Rep: Calderon, Goodwin  
File



July 29, 1997

To: Captain Larry Kopp

From: Chief Thomas Staggers

Ref: Disciplinary Hearing

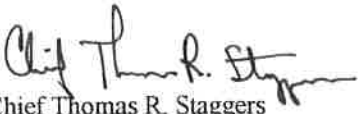
Tuesday, July 29, 1997 at 1:00P.M. A disciplinary hearing was conducted on your behalf to allow you to respond to the charge of not following the departmental pursuit policy, which also in a violation of Standard 17 of the Standards of Conduct for the New Philadelphia Police Department.

Present on your behalf at the hearing was Capt. Rich Calderon and T.O. Mike Goodwin, who are the Union representatives in this matter.

Several questions were asked of you and responses were provided, but the only defense that you gave in this matter was that it was the first time that you supervised an incident as such but that as a police officer you had been involved in pursuits. You agreed about the importance of the matter and looking back that you should have ordered Officer Cimperman's pursuit on July 11, 1997 to be terminated.

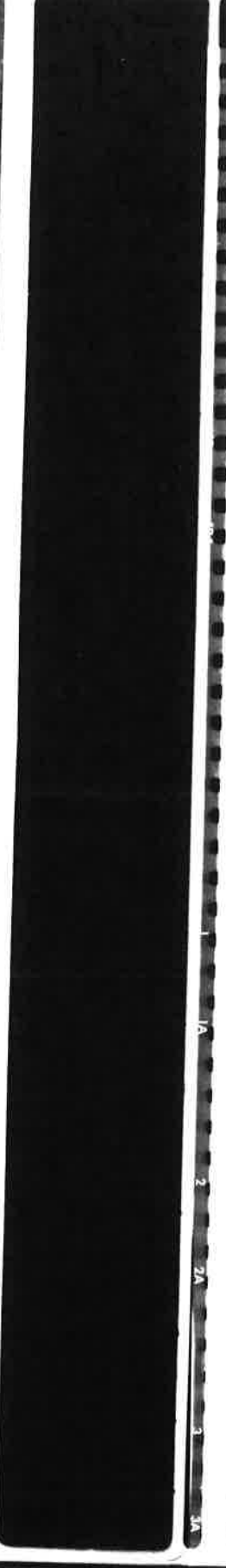
Based upon the investigation and the results of this hearing I am reprimanding you in writing and notifying you that future violations could result in additional disciplinary action including demotion in rank and or suspension.

Sincerely,

  
Chief Thomas R. Staggers  
New Philadelphia Police Department

Cc: Mayor  
Safety Director  
Union Rep: Calderon and Goodwin  
File

TECHNICAL DATA



## COUNSELING RECORD

Date Issued 3-17-97 Member's Name Dave Cimperman Supervisor's Name Capt. DeMattio

### NOTICE TO THE MEMBER

Your supervisor is indicating to you that your performance is deficient enough that some level of administrative action is necessary. Disciplinary action, however, would not be an appropriate choice at this time. Management assumes that members who are working in good faith want to follow the rules, regulations, policies, and procedures of the organization and, when given constructive feedback such as this, will respond in a positive manner to help correct deficiencies.

If you fail to improve your performance and disciplinary action is taken against you, this report will be used as documentation to show at any review process that you have been given adequate notice to improve your conduct/performance prior to such disciplinary action.

(Supervisor completes the following:)

1. Your performance is deficient in the following area(s): Your operation of police cruiser when responding to calls and backing up other officers.
2. You are being notified that your performance is unacceptable because it adversely affects this organization's business necessity in the following manner: putting yourself, other officers and the citizens of this city's safety in jeopardy.
3. You are being notified that the following standards of conduct/performance will be expected to improve within the following time period: "IMMEDIATELY"
4. You are being advised that failure on your part to demonstrate correct conduct/performance will result in the following actions: any further violations will result in this being forwarded to the Chief for a disciplinary hearing

DATE FOR REVIEW 12-17-97 SUPERVISOR'S SIGNATURE Capt. S. DeMattio

### INSTRUCTIONS & DISPOSITION

**STEP ONE:** This form is not to be placed in the member's personnel file at this time. The original will be kept by the issuing supervisor and a duplicate copy given to the member. If the member achieves desired performance and demonstrates that such conduct/performance will be maintained, this form loses its usefulness and will be discarded. In such cases, Step Two will not apply.

**STEP TWO:** If performance does not improve by the review date, this form will be placed in the member's personnel file and will be used to support the administrative action management deems appropriate in order to correct this performance deficiency.



The purpose of this record is to help standardize the record keeping process prior to taking disciplinary action for an infraction of organizational directives. This form is a job aid for the supervisor and should be completed if disciplinary action is a consideration. Before using this form, review each question (initial review). If an item cannot be qualified, perhaps disciplinary action at this time would not be defensible and more supervisory work is necessary. When applicable, make copies of all records and attach them to the back of this form. Use the question number here to reference the attachments. CAUTION: Each decision to discipline has its own unique circumstances that cannot be easily captured on a simple form such as this one. However, these questions will need to be answered at some point during the disciplinary process and this form will prove useful later on if the disciplinary action is challenged.

1. sed Is the performance standard that has been violated published? (If so, attach a copy.) yes
2. sed Is the standard posted where it is highly visible or accessible? Where? yes, officer has own copy
3. sed Did this member ever receive a personal written copy, such as a handbook, of the performance standard? (An additional safeguard is to have new members sign a form affirming that they have read the handbook or rule book and will abide by the policies and rules.) standards of conduct manual
4. sed Has the member been counseled on this performance deficiency? (If so, attach copies.) What has been the member's work record during the last 12 months? given verbal on Feb. 23, 1997  
arrest have been up, answers his share of calls
5. sed Has this member ever received a final warning for a violation of this standard, or other standard(s)? no
6. sed Is the rule stated in easy-to-understand wording? yes
7. sed How is the performance standard reasonably related to the orderly, efficient, and safe operation of the organization or the mission of the organization? puts other officers safety at risk as well as civilians
8. sed If other members have violated this performance standard, did they receive the same disciplinary action as this member? (Attach references.) Be sure to justify deviations. unaware of any other violators
9. sed Can enforcement consistency by work unit be proven? yes
10. sed Does this member have the worst record of all members for violation of this performance standard or any other more serious performance standard? no
11. sed Other than this record, are there other factual written records to show the steps taken to correct this member's deficiency prior to disciplinary action? (If so, attach.) no
12. sed Does evidence include names of witnesses, dates, times, places and other pertinent facts on all past violations including this last one? yes
13. sed Is the degree of discipline related to the seriousness of the proven offense and the member's past work and performance records and length of service? yes
14. sed Are there any areas you wish you had more information about? no

#### INSTRUCTIONS FOR USE

Before disciplinary action is initiated, the supervisor should complete this form. Accurate completion will help ensure that proper documentation and procedures are being followed prior to initiating disciplinary action for infractions of rules or policies. This sheet should accompany any disciplinary records. The inability to check off any of the items on this sheet should give the management concern for the defensibility of any adverse disciplinary action taken against a member.

On December 15 ,1996 during a pursuit of a robbery suspect, pulled out in front of other Officer S. Nelson. This almost caused a accident between yourself and Officer S. Nelson.

Also in December while responding to a traffic stop by Officer S. Nelson. Officer W. Stewart was north on Tuscarawas Ave. and you ran the stop sign at Fair Ave. almost causing a accident between yourself and Officer Stewart.

On March 8, 1997, While responding to a disorderly call at 132 Tuscarawas, you ran a red light almost causing a accident between yourself and Capt. DeMattio.

On February 3, 1997, I gave you a verbal warning that you were to take more precaution with your driving.

I have also had a complaint from Officer Finley that he followed you to a call running hot, and that you would come up behind people at a high rate of speed then whip around them at the last second. Officer Finley was worried that if the other car would hit his brake that you would rear end the other vehicle.

This is showing me that you have a tunnel vision when enroute to calls. You are so focused on getting to the call or backing up other officers that you are disregarding the safety of yourself and other officers.

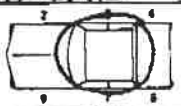
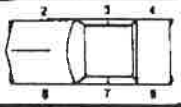
When backing up other officers, you are to get there as soon as you can. That means doing the speed limit and obeying all traffic signals. If the officer on the stop signals #5 then we proceed at a more hurried pace with regard to the safety of other officers and citizens.

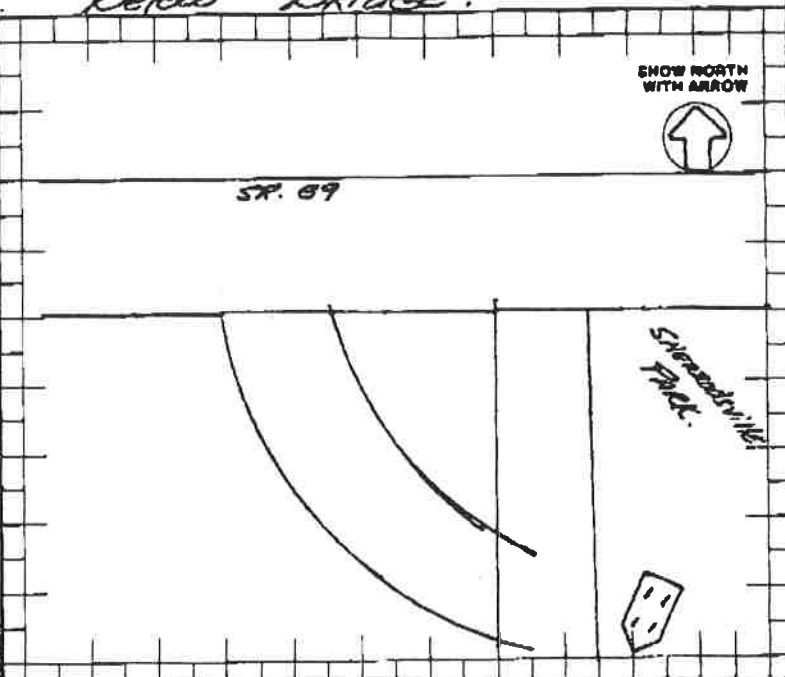
During patrol all traffic signals and speed limits will be followed. This includes all calls that are not life threatening. This includes not pulling away at high rates of speed. Unnecessary U-turns.

There is no call that we respond to that we have to get there so fast that we disregard the safety of ourselves, other officers or the citizens of New Philadelphia.

## OHIO TRAFFIC CRASH REPORT

OH-1 (Rev. 1-82)

LOCAL REPORT NO. <b>97-07-285</b>		REPORTING AGENCY <b>Chesell Co. S.O.</b>		N.C.I.C.		ODHS USE ONLY - DO NOT MARK ABOVE											
REPORT <input type="checkbox"/> AT STATION TAKEN <input checked="" type="checkbox"/> AT SCENE		NO. OF VEH. PEDESTRIANS INVOLVED <b>1</b>		CRASH SEVERITY (CHECK MOST SEVERE) <input type="checkbox"/> FATAL <input checked="" type="checkbox"/> INJURY <input type="checkbox"/> PROPERTY DAMAGE ONLY		COMBINED VEH/PROP LOSS <input checked="" type="checkbox"/> OVER \$150 <input type="checkbox"/> UNDER \$150		HIT SKIP <input type="checkbox"/> SOLVED <input type="checkbox"/> UNSOLVED									
IN COUNTY OF <b>Barroll</b>		IN <input type="checkbox"/> CITY <input checked="" type="checkbox"/> VILLAGE <input type="checkbox"/> TWP OF <b>Sheepersville</b>		DATE OF CRASH: DAY <b>07/11/97</b> <b>FRIDAY</b>		TIME: MILITARY <b>0338</b>		LOCAL FILE NO. <b>97-07-285</b>									
CRASH OCCURRED ON <b>Sheepersville Village PARK.</b>		IF NOT IN INTERSECTION (LIST NEAREST INTERSECTING STREET, MILEPOST, HOUSE NO.) <b>MILES: 300 FEET W OF SR. 59 Roswell RD.</b>															
LOG																	
UNIT NO. <b>1</b>		NO. OF OCCUPANTS <b>1</b>		OPERATING <input checked="" type="checkbox"/> PARKED <input type="checkbox"/> DRIVERLESS <input type="checkbox"/> HIT & RUN <input type="checkbox"/> NON-CONTACT <input type="checkbox"/>		INSURANCE CO. OR AGENT											
DRIVER-PEDESTRIAN NAME (LAST, FIRST, MI) <b>CLARKEMAN DAVID F JR.</b>				ADDRESS (NO., STREET, CITY, STATE, ZIP CODE) <b>1629 12th ST. NW. New Phila. OH. 44663</b>													
PHONE NO. <b>330-343-4488</b>		BIRTH DATE <b>06/29/69</b>		AGE <b>33</b>		SEX <b>M</b>		SOCIAL SECURITY NO. <b>294-76-1998</b>		STATE <b>OH</b>		DRIVER'S LICENSE NO. <b>RN621368</b>		OCCUPATION <b>POLICE OFFICER</b>			
OWNER (IF SAME AS DRIVER, WRITE SAME) <b>CITY New Philadelphia</b>				ADDRESS <b>122 2nd ST. SE. New Phila.</b>								PHONE <b>330-343-4488</b>					
VEH YR <b>97</b>		MAKE <b>FORD</b>		MODEL <b>CROWN VIC</b>		COLOR <b>WHITE</b>		STYLE <b>4.5</b>		STATE <b>OH</b>		LICENSE PLATE NO. <b>CAR 723</b>		TOWING SERVICE <b>ROSEBROOKS</b>		VEH/PEP DIR <b>FROM NW TO SE</b>	
CIRCLE DAMAGE AREAS 		DAMAGE SEVERITY <input type="checkbox"/> NON-FUNCTIONAL <input type="checkbox"/> FUNCTIONAL <input checked="" type="checkbox"/> DISABLING		DAMAGE SCALE <input type="checkbox"/> NONE <input type="checkbox"/> MODERATE <input type="checkbox"/> LIGHT <input checked="" type="checkbox"/> HEAVY		VEHICLE DISPOSITION <input type="checkbox"/> DRIVEN AWAY <input type="checkbox"/> REMAINED AT SCENE <input checked="" type="checkbox"/> TOWED		FIRE <input checked="" type="checkbox"/> NO FIRE <input type="checkbox"/> FIRE DUE TO CRASH <input type="checkbox"/> OTHER FIRE									
UNIT NO. <b>1</b>		NO. OF OCCUPANTS <b>1</b>		OPERATING <input type="checkbox"/> PARKED <input type="checkbox"/> DRIVERLESS <input type="checkbox"/> HIT & RUN <input type="checkbox"/> NON-CONTACT <input type="checkbox"/>		INSURANCE CO. OR AGENT											
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OWNER (IF SAME AS DRIVER, WRITE SAME)				ADDRESS								PHONE					
VEH YR		MAKE		MODEL		COLOR		STYLE		STATE		LICENSE PLATE NO.		TOWING SERVICE		VEH/PEP DIR	
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LOCAL REPORT NO. <b>97-07-285</b>		DESCRIBE WHAT HAPPENED REFER TO UNITS BY NUMBER <b>#1 WAS IN PURSUIT OF A</b>	
WEATHER 1 NO ADVERSE WEATHER 2 RAIN 3 SNOW 4 FOG 5 HIGH WIND 6 OTHER		FIRST HARMFUL EVENT <b>3/13</b> TWO MY IN TRANSPORT 1 HEAD ON 2 REAR-END 3 BACKING 4 SIDESWIDE MEETING 5 SIDESWIDE PASSING 6 ANGLE	
ROAD CONDITIONS 1 DRY 2 WET 3 SNOW 4 ICE 5 DIRT/SAND 6 OTHER		ONE MY IN TRANSPORT (COLLISION) 7 PARKED MOTOR VEH 8 PEDESTRIAN 9 ANIMAL 10 TRAIN 11 PEDALCYCLE 12 OTHER NON-M V 13 FIXED OBJECT 14 OTHER OBJECT (NON-COLLISION) 15 FALL FROM OR IN VEH 16 OVERTURNING 17 OTHER NON-COLLISION	
LIGHT 1 DAYLIGHT 2 DAWN 3 DUSK 4 DARK NO LIGHTS 5 DARK-LIGHTED 6 OTHER		LOCATION <b>8</b> 1 INTERSECTION 2 INTERSECTION-RELATED 3 DRIVEWAY ACCESS 4 RAILROAD CROSSING 5 BRIDGE-PASSING OVER 6 BRIDGE-PASSING UNDER 7 NON-INTERSECTION 8 PRIVATE PROPERTY	
ROAD CONTOUR 1 STRAIGHT LEVEL 2 STRAIGHT GRADE 3 CURVE LEVEL 4 CURVE GRADE		SHOW NORTH WITH ARROW 	
OCCURRENCE 1 ON ROADWAY 2 LEFT SIDE 3 OFF RIGHT SIDE 4 ON OPPOSING LANE OF A DIVIDED HIGHWAY		SPECIAL AREA 1 ROAD CONSTRUCTION 2 MAINTENANCE AREA 3 SCHOOL ZONE	
TYPE OF UNIT <b>1</b> <b>19</b>		PRE-CRASH ACTIONS <b>14</b>	
CAR 1 SUB-COMPACT 2 COMPACT 3 MID SIZE 4 FULL SIZE TRUCK 5 PICKUP 6 PANEL/VAN 7 STRAIGHT TRUCK 8 STRAIGHT TRUCK AND TRAILER 9 TRUCK TRACTOR 10 TRACTOR & SEMI-TRAILER 11 TRACTOR & DOUBLE TRAILER MOTORCYCLE 12 MC UP TO 350CC 13 MC351CC TO 750CC 14 MC OVER 751CC 15 MOTORIZED BICYCLE		BUS 16 SCHOOL 17 CHURCH 18 PUBLIC BUS EMERGENCY 19 POLICE VEHICLE 20 FIRE TRUCK 21 AMBULANCE/RESCUE OTHER 22 TAXI 23 MOTOR HOME 24 TRAIN 25 FARM VEHICLE 26 FARM EQUIPMENT 27 SNOWMOBILE 28 CONSTRUCTION EQUIP 29 ANIMAL W/RIDER 30 ANIMAL W/BUGGY 31 BICYCLE 32 ALL OTHERS P - PEDESTRIAN	
SPEED UNIT EST. LEGAL		MC HELMET USE UNIT DRIVER PASS	
1 NO HELMET 2 FULL COVERAGE 3 FULL FACIAL COVER 4 OTHER TYPE HELMET		DRIVER ACTIONS 1 GOING STRAIGHT 2 TURNING RIGHT 3 TURNING LEFT 4 TURNING ON RED LIGHT 5 U TURN 6 STOPPED TO TURN 7 STOPPED IN TRAFFIC 8 PARKING/UNPARKING 9 PARKED 10 BACKING 11 PASSING 12 CHANGING LANES 13 MERGING/EXITING RAMP 14 OUT OF CONTROL 15 SWERVING 16 DRIVERLESS VEH 17 OTHER DRV ACTIONS	
TRAFFIC CONTROL <b>1</b>		PEDESTRIAN ACTIONS 18 CROSSING IN X-WALK 19 CROSSING OTHER THAN X-WALK 20 WALKING IN ROAD (WITH TRAFFIC) 21 WALKING IN ROAD (AGAINST TRAFFIC) 22 PLAYING IN ROAD 23 WORKING ON ROAD 24 ENTERING OR LEAVING VEHICLE 25 PUSHING/WORKING ON VEH IN ROAD 26 OTHER IN ROAD 27 ON SIDEWALK OR SHOULDER	
FIXED OBJECT 1 NONE 2 UTILITY POLE 3 TRAFFIC SIGN 4 BRIDGE/CULVERT 5 GUARD RAIL 6 FENCE 7 TREE 8 SHRUBBERY 9 CURB 10 DITCH 11 EMBANKMENT 12 BUILDING 13 MAIL BOX 14 CONSTRUCTION BARRICADE 15 FIRE HYDRANT 16 OTHER OBJECT		DRIVER ERROR 1 NONE 2 FAILURE TO YIELD 3 UNSAFE SPEED 4 FOLLOWING TOO CLOSELY OR ACDA 5 RAN RED LIGHT 6 RAN STOP OR YIELD SIGN 7 IMPROPER TURN 8 IMPROPER PASSING 9 IMPROPER LANE CHANGE 10 IMPROPER BACKING 11 IMPROPER START FROM PARKED POSITION 12 STOPPED OR PARKED ILLEGALLY 13 LEFT OF CENTER 14 FAILURE TO CONTROL 15 DRIVER INATTENTION 16 DROVE OFF ROAD REASON UNKNOWN 17 OTHER DRIVER ERROR	
TRUCK LOAD 1 EMPTY 2 PERISHABLE GOODS 3 GENERAL FREIGHT 4 METAL/HEAVY MACHINERY 5 HAZARDOUS GAS 6 HAZARDOUS LIQUID 7 HAZARDOUS SOLID 8 RADIOACTIVE MATERIAL		NON-DRIVER FACTOR 18 VEHICLE DEFECTS 19 LOAD SHIFTING 20 FALLING, SPILLING 21 PAVEMENT DEFECT 22 SHOULDER DEFECT 23 DEBRIS ON ROAD 24 DOWNED TRAFFIC SIGN/DEVICE 25 VISION OBSTRUCTION 26 ANIMAL ACTIONS 27 PEDESTRIAN ACTIONS	
VEHICLE DEFECTS CODE IF CONTRIBUTING FACTOR IS 18 PRIMARY SECONDARY		TRUCK AXLES TRACTOR-TRAILER RIGS	

## OHIO TRAFFIC ACCIDENT - DIAGRAM/NARRATIVE CONTINUATION

OH-2 (Rev. 1/82)

LOCAL REPORT NUMBER	97-07-285	REPORTING AGENCY	Carroll County S.O.	DATE OF ACCIDENT	M 07 11 Y 97
IN COUNTY OF	Carroll	ACCIDENT LOCATION	SHERRODSVILLE VILLAGE PARK		

SR. 39  
ROSEN RD.

PARK WEST RD.

PARK RD. EAST

CROFTON

CROFTON

OFFICERS SIGNATURE

SGT. CAROL A. BARNHAM

BADGE NO.

7

To: Chief Thomas Staggars  
Fm: Captain Larry Kopp

Re: Officer Dave Cimperman; round fired

Chief,

As the Captain of the shift on Thursday midnight shift and in reference to Officer Cimperman's pursuit and accident I am advising you that a round was fired by Officer Cimperman to break the window so he could extricate himself from his damaged cruiser.

  
Captain Larry Kopp